



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 17, 2003

Ordinance 14788

Proposed No. 2003-0393.2

Sponsors Hague

1 AN ORDINANCE relating to land use permit approvals
2 amending short subdivisions, to address the division or
3 redivision of land into nine or fewer lots, tracts, parcels or
4 sites; and amending the approval time for preliminary short
5 subdivisions from sixty months to eighty-four months in
6 certain instances, and amending the application
7 requirements for land use permits to allow for additional
8 lots under the certificate of transportation concurrency if
9 certain criteria are satisfied; and amending the permit
10 issuance procedures for land use permit applications to
11 extend the Type 3 and Type 4 land use decisions issuance
12 time period from one hundred and twenty days to one
13 hundred and fifty days and extend the issuance time period
14 for state Environmental Policy Act-exempt clearing and
15 grading from forty-five days to ninety days; making
16 technical corrections; and amending Ordinance 13694,
17 Section 32, and K.C.C. 19A.04.310, Ordinance 13694,

Section 33, and K.C.C. 19A.04.320, Ordinance 13694,
Section 55, and K.C.C. 19A.12.010, Ordinance 13694,
Section 58, and K.C.C. 19.12.040, Ordinance 13694,
Section 59, and K.C.C. 19A.12.050, Ordinance 12196,
Section 11, as amended, and K.C.C. 20.20.040 and
Ordinance 12196, Section 17, as amended, and K.C.C.
20.20.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13694, Section 32, and K.C.C. 19A.04.310 are each
hereby amended to read as follows:

Short subdivision. Short subdivision: inside the Urban Growth Area, a division or
redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of the sale,
lease or transfer of ownership. Outside the Urban Growth Area, a division or redivision of
land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer
of ownership.

SECTION 2. Ordinance 13694, Section 33, and K.C.C. 19A.04.320 are each
hereby amended to read as follows:

Subdivision. Subdivision: outside the Urban Growth Area, a division or
redivision of land into five or more lots, tracts or parcels for the purpose of sale,
lease or transfer of ownership; inside the Urban Growth Area, a division or

subdivision of land into ten or more lots, tracts or parcels for the purpose of sale,
lease or transfer of ownership.

SECTION 3. Ordinance 13694, Section 55, and K.C.C. 19A.12.010 are each
hereby amended to read as follows:

Purpose. The purpose of this chapter is to specify requirements for the segregation
of land into short subdivisions(~~((, which are four or fewer lots,))~~) and subdivisions (~~((which
are five or more lots))~~), in accordance with applicable Washington state and King County
laws, rules and regulations, including permit processing procedures required by K.C.C.
chapter 20.20.

SECTION 4. Ordinance 13694, Section 58, and K.C.C. 19A.12.040 are each
hereby amended to read as follows:

Preliminary short subdivision – approval time. Preliminary approval of a
short subdivision shall be effective for a period of sixty months, except the approval
period shall be eighty-four months for any short plat or plats that were part of a
development agreement or interlocal agreement entered into after January 1, 1996,
that included at least four hundred acres of open space dedications and urban land
designations at a four-to-one ratio.

SECTION 5. Ordinance 13694, Section 59, and K.C.C. 19A.12.050 are each
hereby amended to read as follows:

Limitations for short subdivisions.

A. Inside the Urban Growth Area, a maximum of nine lots may be created by a
single application. Outside the Urban Growth Area, ((A)) a maximum of four lots may be
created by a single application.

63 B. An application for further segregation may not be submitted within ~~((a period~~
64 ~~of))~~ five years after recording, except through the filing of a subdivision application ~~((;))~~ or
65 unless the short plat contains fewer than nine lots inside the Urban Growth Area or fewer
66 than four lots outside the Urban Growth Area, in which case an alteration application may
67 be submitted to create a cumulative total of up to nine lots inside the Urban Growth Area or
68 up to four lots outside of the Urban Growth Area within the original short plat boundary.

69 C. A maximum of eighteen lots inside the Urban Growth Area or eight lots outside
70 the Urban Growth Area may be created from two or more contiguous parcels with any
71 common ownership interest.

72 SECTION 6. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040
73 are each hereby amended to read as follows:

74 **Application requirements.**

75 A. The department shall not commence review of any application set forth in this
76 chapter until the applicant has submitted the materials and fees specified for complete
77 applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall
78 be considered complete as of the date of submittal upon determination by the department
79 that the materials submitted meet the requirements of this section. Except as provided in
80 K.C.C. 20.20.040B, all land use permit applications described in K.C.C. 20.20.020
81 Exhibit A shall include the following:

82 1. An application form provided by the department and completed by the
83 applicant that allows the applicant to file a single application form for all land use permits
84 requested by the applicant for the development proposal at the time the application is
85 filed;

86 2. Designation of who the applicant is, except that this designation shall
87 not be required as part of a complete application for purposes of this section when
88 a public agency or public or private utility is applying for a permit for property on
89 which the agency or utility does not own an easement or right-of-way and the
90 following three requirements are met:

91 a. the name of the agency or private or public utility is shown on the
92 application as the applicant;

93 b. the agency or private or public utility includes in the complete
94 application an affidavit declaring that notice of the pending application has been
95 given to all owners of property to which the application applies, on a form
96 provided by the department; and

97 c. the form designating who the applicant is, submitted to the
98 department before permit approval;

99 3.a. A certificate of sewer availability or site design approval for an on-
100 site sewage system by the Seattle-King County department of public health, as
101 required by the King County board of health code title 13: or

102 b. for public schools and public schools facilities located in rural areas,
103 a finding by King County that no cost-effective alternative technologies are
104 feasible, a certificate of sewer availability, and a letter from the sewer utility
105 indicating compliance with the tightline sewer provisions in the zoning code, as
106 required by K.C.C. chapter 13.24;

107 4. A current certificate of water availability, if required by K.C.C.
108 chapter 13.24;

- 109 5. A fire district receipt pursuant to K.C.C. Title 17, if required by
110 K.C.C. chapter 21A.40;
- 111 6. A site plan, prepared in a form prescribed by the director;
- 112 7. Proof that the lot or lots to be developed are recognized as a lot under
113 this title;
- 114 8. A sensitive areas affidavit if required by K.C.C. chapter 21A.24;
- 115 9. A completed environmental checklist, if required by K.C.C. chapter
116 20.44;
- 117 10. Payment of any development permit review fees, excluding impact
118 fees collectible pursuant to K.C.C. Title 27;
- 119 11. A list of any permits or decisions applicable to the development
120 proposal that have been obtained before filing the application or that are pending
121 before the county or any other governmental entity;
- 122 12. Certificate of transportation concurrency from the department of
123 transportation if required by K.C.C. chapter 14.70. The certificate of
124 transportation concurrency may be for less than the total number of lots proposed
125 by a preliminary plat application only if:
- 126 a. at least seventy-five percent of the lots proposed have a certificate of
127 transportation concurrency at the time of application for the preliminary plat;
- 128 b. a certificate of transportation concurrency is provided for any
129 remaining lots proposed for the preliminary plat application before the expiration
130 of the preliminary plat and final recording of the additional lots; and

131 c. the applicant signs a statement that the applicant assumes the risk that
132 the remaining lots proposed might not be granted.

133 13. Certificate of future connection from the appropriate purveyor for
134 lots located within the urban growth area (~~((which))~~) that are proposed to be served
135 by on-site or community sewage system and group B water systems or private
136 well, if required by K.C.C. 13.24.136 through 13.24.140;

137 14. A determination if drainage review applies to the project pursuant to
138 K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation
139 required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter
140 9.04;

141 15. Current assessor's maps and a list of tax parcels to which public
142 notice must be given as provided in this chapter, for land use permits requiring a
143 Type 2, 3 or 4 decision;

144 16. Legal description of the site;

145 17. Variances obtained or required under K.C.C. Title 21A to the extent
146 known at the date of application; and

147 18. For site development permits only, a phasing plan and a time
148 schedule, if the site is intended to be developed in phases or if all building permits
149 will not be submitted within three years.

150 B. A permit application is complete for purposes of this section when it
151 meets the procedural submission requirements of the department and is sufficient
152 for continued processing even though additional information may be required or
153 project modifications may be undertaken subsequently. The determination of

completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

C. Additional complete application requirements for the following land use permits are set forth in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060.
2. Construction permits, K.C.C. 16.04.052.
3. Mobile home permits, K.C.C. 16.04.093.
4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C. 19A.08.150.

D. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

E. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 7. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

Permit issuance.

A. The department shall issue its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete. The time periods for action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the hearing examiner's rules.

B.1. Except as otherwise provided in subsection B.2 of this section, the department shall issue its ((F))final decision((s by the county on all permits and approvals subject to the procedures of this chapter shall be issued)) on a Type 1 or Type 2 land use decision within one hundred twenty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete((, provided that)).

2. ((†))The following shorter time periods ((should)) apply ((for)) to the type of land use permit indicated:

New residential building permits	90 days
New remodels	40 days
Residential appurtenances, such as decks garages.	15 days, or 40 days
	residential appurtenances
	((which)) <u>that</u> require
	substantial site review.
((SEPA exempt clearing and grading	45 days
SEPA e)) <u>C</u> learing and grading	90 days
Health Department review	40 days

(for projects pending a final department review ((and/))or
permit or review and permit).

199 C. The following periods shall be excluded from ~~((this one hundred twenty day~~
200 ~~period))~~ the times specified in subsections A and B of this section:

201 1. Any period of time during which the applicant has been requested by the
202 department, hearing examiner or council to correct plans, perform required studies or
203 provide additional information, including road variances and variances required under
204 K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the applicant
205 of the need for additional information until the earlier of the date the county advises the
206 applicant that the additional information satisfies the county's request, or fourteen days after
207 the date the information has been provided. If the county determines that the correction,
208 study or other information submitted by the applicant is insufficient, it shall notify the
209 applicant of the deficiencies and the procedures of this section shall apply as if a new
210 request for information had been made.

211 a. The department shall set a reasonable deadline for the submittal of corrections,
212 studies or other information when requested, and shall provide written notification to the
213 applicant. An extension of such deadline may be granted upon submittal by an applicant of
214 a written request providing satisfactory justification of an extension.

215 b. Failure by the applicant to meet such deadline shall be cause for the department
216 to cancel/deny the application.

217 c. When granting a request for a deadline extension, the department shall give
218 consideration to the number of days between receipt by the department of a written request
219 for a deadline extension and the mailing to the applicant of the department's decision
220 regarding that request((-));

221 2. The period of time, as set forth in K.C.C. 20.44.050, during which an
222 environmental impact statement is being prepared following a determination of significance
223 pursuant to chapter 43.21C RCW((-));

224 3. A period of no more than ninety days for an open record appeal hearing by the
225 hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed
226 record appeal by the county council on a Type 3 land use decision appealable to the county
227 council, except when the parties to an appeal agree to extend these time periods((-));

228 4. Any period of time during which an applicant fails to post the property, if
229 required by this chapter, following the date notice is required until an affidavit of posting is
230 provided to the department by the applicant((-)); and

231 5. Any time extension mutually agreed upon by the applicant and the department.

232 ~~((B-))~~ D. The time limits established in this section shall not apply if a proposed
233 development:

234 1. Requires an amendment to the comprehensive plan or a development regulation,
235 or modification or waiver of a development regulation as part of a demonstration project;

236 2. Requires approval of a new fully contained community as provided in RCW
237 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an
238 essential public facility as provided for RCW 36.70A.200; or

239 3. Is substantially revised by the applicant, when such revisions will result in a
240 substantial change in a project's review requirements, as determined by the department, in
241 which case the time period shall start from the date at which the revised project application
242 is determined to be complete.

243 ~~((C.))~~ E. The time limits established in this section may be exceeded on more
244 complex projects. If the department is unable to issue its final decision on a Type 1 or
245 Type 2 land use decision or its recommendation to the hearing examiner on a Type 3 or
246 Type 4 land use decision within the time limits established by this section, it shall provide
247 written notice of this fact to the project applicant. The notice shall include a statement of
248 reasons why the time limits have not been met and an estimated date for issuance of
249 notice of final decision on a Type 1 or Type 2 land use decision or notice of
250 recommendation on a Type 3 or Type 4 land use decision.

251 ~~((D.))~~ F. The department shall require that all plats, short plats, building permits,
252 clearing and grading permits, conditional use permits, special use permits, site
253 development permits, shoreline substantial development permits, binding site plans,
254 urban planned development permits or fully contained community permits issued for
255 development activities on or within five hundred feet of designated agricultural lands,
256 forest lands or mineral resource lands shall contain a notice that the subject property is
257 within or near designated agricultural lands, forest lands or mineral resource lands on

Ordinance 14788

258 which a variety of commercial activities may occur that are not compatible with
259 residential development for certain periods of limited duration.
260

Ordinance 14788 was introduced on 9/2/2003 and passed as amended by the
Metropolitan King County Council on 11/3/2003, by the following vote:

Yes: 13 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Hammond, Mr.
Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Cynthia Sullivan, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 7th day of November, 2003.

Ron Sims, County Executive

Attachments None